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SPEECH  
OF  
MR. C. DARRAGH, OF PENNSYLVANIA,  
ON  
THE OREGON QUESTION.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MONDAY, FEBRUARY 9, 1846.

The Resolution from the Committee on Foreign Affairs, requiring the President to notify Great Britain of the intention of the United States to terminate the joint occupancy of Oregon, and to abrogate the convention of 1827, being under consideration in Committee of the Whole—

Mr. DARRAGH said, that a short time since, when the bill from the Committee on Military Affairs, providing for the organization of two regiments of riflemen, was before the House, he had taken occasion to submit a few remarks. The debate, at that time, seemed to take it for granted that the regiments proposed to be raised were to occupy the territory of Oregon, and to be employed in the protection and defence of American citizens settled there. Whether this force could be sent there without giving the notice to terminate the joint occupancy, referred to in the convention of 1827 between this country and Great Britain, was the subject-matter of debate.

In the few remarks he had then made, he confined himself to the simple question, whether, in view of the convention of 1827, the shield of our civil laws, and the protection of our arms, could not be extended over Oregon, without the notice, and without any violation or departure from our treaty stipulations? He was of opinion then that we could; and the best consideration he had been able to bring to the subject had not changed the opinions he then expressed.

Sir, said Mr. Darragh, the resolution now under consideration proposes to annul and abrogate the second section of the convention of 1827, requiring one year's notice of the desire and intention of either party to terminate the joint occupancy now existing between Great Britain and the United States, in reference to territory west of the Rocky mountains. The discussion on this resolution from the Committee on Foreign Affairs has opened

up the whole question in reference to Oregon—our duty to protect our fellow-citizens there—our title—our ability to maintain it—its future advantages to the Republic—and the chances of war.

I propose, sir, to direct the attention of the committee to these considerations; and I may be permitted to say that, although in the many days through which this debate has passed, few gentlemen have questioned the validity of our title, yet, as far as I have heard, but a few speakers have undertaken to show what that title is. It is very true that the honorable Secretary of State, in the correspondence with the British Plenipotentiary, has with great ability placed our claims to Oregon on clear and unquestionable grounds; yet it may not be uninteresting to those of our constituents who see not the State papers, to understand the character of our claims and demands. I intend, sir, to occupy a short time of the committee in the history of the northwest coast of America, so far as the same has relation to title by discovery, cession, or settlement.

Before doing so, however, I desire to say a word or two in reference to the report made by the minority of the Committee on Foreign Relations, which asserted that Congress could not act on the matter of giving notice to terminate the joint occupancy, because it belonged to the treaty-making power, and that the President and Senate alone possessed such authority. This opinion has been adopted and repeated during the debate by other gentlemen. The Constitution of the United States (article 2d, section 2,) confers upon the "President, by and with the advice and consent of the Senate, the power to make treaties, provided two-thirds of the Senators present concur;" but this has reference to the making of treaties, and not to the ending.

The fallacy of the argument of the minority of

the Committee on Foreign Affairs consists in the difference between the making and ending of treaties. The making of a treaty is one thing; the annulment thereof is another and a very different thing. Besides, the convention of 1827 provides for its termination so far as relates to the joint occupancy; either party being at liberty to terminate it in one year's notice.

Again: every treaty implies two parties—a traitor and a treatee—a bargainer and a bargainee. The word “treaty,” *ex vi termini*, implies two parties. It is an agreement between two or more; but the ending of the treaty may be by one of the parties thereto. We have treaties of commerce, navigation, &c., between England, France, Spain, and other Powers, and Congress may put an end to them without consulting the President, by the exercise of the war power. These treaties may be in full force, and Congress, possessing exclusively the power to declare war, may thereby terminate them; for war annuls all treaties between the parties belligerent. The treaty-making power does not therefore necessarily include the treaty-ending power; and Congress may, by resolution or otherwise, terminate the convention of 1827.

Other gentlemen maintained that the right of the President to give the notice is concurrent with that of Congress; that, as the executive officer of the Government, he has the power to give the notice, and that he ought to be permitted to exercise it. As to the power of the Executive in the premises, I have nothing to say, because none of those who have expressed such views deny the power of Congress to act. The honorable gentleman from Alabama [Mr. HILLIARD] proposes to authorize the President to give the notice when to him it shall seem most fit and expedient. Sir, I can see no useful end to be attained by this course. Is it designed to throw on the President the responsibility of the measure, which may end in war, and which some gentlemen regard as equivalent to a declaration of war? If this be the purpose, then I go not with it. The President has, in my judgment, assumed, in his Message, all the responsibility which a decent respect for the representatives of the people and the honor of the nation permitted or required. He believes our title to the whole of Oregon to be valid, and he has said so; he thinks that it is time this un-American and ruinous joint occupancy was terminated, and he has officially given us this opinion. But why ask the President, in this momentous affair? What will be the result, if his order alone goes forth, without the voice of Congress accompanying it? In Europe, particularly in Great Britain, it will be said that the refusal or omission of Congress to act indicates that the notice to end the joint occupancy is the act of the President alone, or at most of his party, and not of the people. Ay, sir, there may not be wanting persons and presses in this country who will echo the same sentiments. Now, sir, this is an *American* not a *party* question; and for one, I protest against its being defiled by the touch of mere party manoeuvre or machinery.

England is loth to terminate the joint occupancy, because heretofore she has used it altogether for her own advantage. Her Ministers, Lord Aberdeen and Sir Robert Peel, have asserted their claim to Oregon. The opposition to the Ministry, by its leaders, Lord John Russell and Lord Palmerston,

have, in this matter, forgotten their political rancor, to aid the Ministry they have been struggling to overthrow. The British press, not inaptly called “the fourth estate in the realm,” has raised its mighty voice, to quicken the empire into the maintenance of its claim. And shall the decree that is to defy this combined power and determined action, go forth from the mouth of one man? or shall it not rather be borne across the Atlantic on the voices of twenty millions of people, who know their rights, and, knowing, will maintain them? Sir, I say, let Congress speak.

I now come to the imposing objection made to the passage of this resolution. I say imposing objection, because it has been most generally made; and by those, too, who profess to be in favor of our claim to the whole of Oregon. It is: that this is not the time to say to England, the territory is ours and we will have it; but that we should sneak along, until we grow stronger or England weaker, under the cunning device of “a wise and masterly inactivity.” We have seven thousand people there, who are imploring us to protect them. Every year the tide of emigration from the western States is swelling and will continue to swell to the valleys of the Columbia. These are not mere adventurers or marauders; they take with them their wives, their children, and their Bible. They have established a quasi form of government, which, so far as regards practical morality, is in advance of long established governments. The arts of civilized life are there—the husbandman is reaping the reward of his toil. American Christian missionaries are among them, teaching the agricultural pursuits and the destiny of man. The leviathan power of steam already awakens the echoes of her forests, and temples, dedicated to the service of Almighty God, have been erected, wherein His praises are hymned and His holy word explained.

These brave and adventurous men have repeatedly reminded this House that they are American citizens on American soil. They continue to cry to us, as their fellow-citizens, to vindicate their rights and maintain the honor of the nation. Who will say that, as the representatives of the people, we can or dare deny to them the immunities and the protection of American citizenship? Sir, we are not at liberty to do so. If the territory is ours by rightful title, we cannot refuse to our brethren there the rights and the protection we enjoy here. This is of itself, in my opinion, a sufficient answer to the proposition for further delay in giving to Great Britain the notice to quit.

But, sir, what is to be gained by this “wise and masterly inactivity?” Let us look at the past. Let us see if this postponement of the question—this masterly inactivity, has not been a ruinous inactivity for us, and a masterly activity for England. In 1818, at the time of the convention entered into between Great Britain and the United States, the former had not title to one rood of territory on the northwest coast; and this I will presently attempt to show. The only show of title she now has arises in the main from that convention (1818) and the subsequent negotiations in regard to it. No one will pretend that the terms of the convention affected the title or sovereignty of either Government.

The United States then asserted, and actually possessed the title. The convention of 1818 only

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permitted an equal right of *trade*, not of *title* or *sovereignty* in Great Britain. Now mark how she has used this grant of favor. In less than three years after the ratification of the convention, (in 1821,) an act of Parliament is passed, (1st and 2d George IV.) which gave to her all that she now asks. This act of Parliament is in open violation of the terms and spirit of the convention (1818) of joint occupancy. By it England extended her jurisdiction over all Oregon.

The 6th section of the act of Parliament referred to, provides—

"That the courts of Upper Canada shall have the same civil jurisdiction in all respects whatever within the Indian territories, and other parts of America, *not within the limits of the Canadas, or of any civil government of the United States*, as the said courts have within the limits of Canada; and further, that every wrong or injury, to the person, or the property, real or personal, committed within the said parts of America, shall be cognizable and tried in the same manner and subject to the same consequences in all respects as if the same had been committed *within the province of Upper Canada.*"

Again, the 8th section of the British act (1821) provides—

"That in case *any person or persons whatsoever*, residing or being within such parts of America, shall refuse to obey, or resist any process of said courts, such person or persons shall be committed *to custody, in order to be conveyed to Upper Canada.*"

Other sections of this act provide for courts, officers, &c.; but throughout the whole statute not one word is said excepting American citizens in Oregon from the operation and penalties of the British law.

To this day this insolent assumption of authority stands unrepealed by England and unrebuked by the United States. The insult and the wrong, has indeed, been heightened by investing the officers and servants of a trading corporation (the Hudson Bay Company) with judicial power and authority to carry the statute into effect. An American citizen may now be dragged from American soil to answer before the officers of the Hudson Bay Company or the courts of Upper Canada, and held responsible for his conduct whilst on American territory.

This humiliating submission on our part is one of the trophies of twenty-seven years of "masterly inactivity." Sir, there should be an end to this state of affairs. Great Britain has asserted claims which she cannot maintain. Will delay induce that rapacious Power to withdraw or lessen her demands? You postpone the manly vindication of our rights. You open the door to further negotiation about what most gentlemen say is sufficiently clear now. Does any one expect that Great Britain will be less anxious for a part of Oregon a year or two hence than now? Will she be less able to meet us in the strife of battle? You postpone, you give time, and advise her to arm. England knows and dreads a war with America. She has tried the experiment twice, and has no reason to boast of the result of either conflict. She knows more: she knows that a war with the United States would be the beginning of

the end that would free this whole continent from European influence, power, and authority. Delay, give time, and the monarchies of Europe might be brought to see that the conflict, when it did come, would be between legitimacy and republicanism—the right divine of kings, and the people.

All this might come to pass if we continue to delay the settlement of this question. That it will happen whether we settle the question or not now, I have no doubt. Indeed, I hope that the time may hasten on when the sovereign people shall be the only sovereigns on earth. But in this Oregon affair, I prefer settling it with England alone; which will be done, if Congress will only act with promptness and decision.

Mr. Chairman, I come now to speak of title; and I believe a careful examination will show that all the proofs substantiate the claims of the United States. I do not design to rely on, or even allude to, proofs of doubtful import, or to the vague history or misty traditions which the honorable gentleman from Massachusetts [Mr. WINTHROP] seems to think to encompass the subject. I will depend on events as much matter of true history as the Declaration which declared the colonies free and independent States.

It will be observed that in all the negotiations and offers to compromise this vexed question, England has denied our rights even as far north as the parallel of 49 north latitude. Now to this point we have a title not heretofore referred to, arising from the cession of Louisiana in 1803 by France to the United States. By that cession we became invested with the rights and title of France to territory west of the Rocky mountains. Let us see how the matter stood for a long time previous to 1803. In 1683, M. De la Salle, a Frenchman, navigated the Mississippi from Canada to its mouth; in virtue whereof, France claimed the sovereignty to Louisiana, on both sides of the river, from the Gulf of Mexico to the 49th degree of north latitude. This right of sovereignty was based upon the acknowledged principle of international law: "that the nation which discovers the mouth of a river is entitled to the sovereignty to all the land which is watered by such river, its tributaries, and head waters." From the time of the discovery by La Salle, England never controverted this principle; she had in repeated instances availed herself of its provisions. France, by the discovery of the Mississippi, extended west, at all events, to the Rocky mountains, for there are the sources of some of the head waters of that river. She was the only Power contiguous to the vast wilds from the Rocky mountains to the Pacific ocean; and therefore the argument of continuity was altogether with France as opposed to England.

As early as 1713, Great Britain regarded the French possessions in America as extending west to the Pacific. The 10th article of the treaty of Utrecht, (1713,) provided for the appointment of commissioners to settle the boundary between Canada and Louisiana on the one side, and Hudson's Bay and Northwestern companies on the other. This boundary by the treaty was established "by a line to commence at a cape or promontory on the ocean, in 58° 31' north latitude, to run thence westwardly to the 49th parallel, and along that line indefinitely westward. Now this line, indefinitely westward, includes, of course, all Oregon south of



the 49th degree north latitude. It is, to be sure, doubted whether the commissioners provided for by the treaty of Utrecht ever acted; and it is very certain that if they did act, no record of their proceedings now exist; but the United States have always considered the treaty of Utrecht as extending the 49th parallel indefinitely westward. Mr. Charles Pinckney and Mr. Monroe, our Ministers at Madrid in 1805, in the correspondence between them and Don Pedro Cavallos, the Spanish Minister, respecting the western boundary of Louisiana, advanced these views.—*State Papers*, vol. 2, p. 169.

Mr. Gallatin, in the American statement of December, 1826, recognises the action of the commissioners under the treaty of Utrecht, as extending the 49th parallel indefinitely westward.

But again: the treaty of Versailles, (1763,) between France and England, and which concluded the French wars in America, stipulates "that the confines between the British and French possessions in America were irrevocably fixed by a line drawn along the middle of the Mississippi from its source to the river Itherville."

In 1783, the Mississippi, from its source, was adopted as the line of demarcation between the British and French possessions. Louisiana then extended north as far as the 49th degree, and to the Gulf of Mexico in latitude 29. It will be observed, by looking at the map, that the sources of the Mississippi are in 49, north latitude; and that this is the parallel fixed on by the treaty of Utrecht. In 1763, France and England made partition of almost the whole continent of North America. England then obtained the territory east of the Mississippi, and north of the 49th parallel of latitude. She then made no claim to territory in any other quarter—a pregnant conclusion against the existence of any such claim. She was at this time victorious over her rival, and flushed with her conquest. She possessed the power to dictate the terms of the treaty of Versailles, (1763.) Not over nice in her pretensions to territory, nor over scrupulous in the employment of means to enforce them, Great Britain made no pretension to territory south of the 49th parallel in any quarter. These provisions of the treaty of Versailles seem to me to indicate that the 49th parallel extended indefinitely westward, as is provided in the treaty of Utrecht, and governed in this matter the deliberations which resulted in the treaty of Versailles.

So also the parallel of 49 north latitude, seems to have been regarded as a determined line, or landmark, by the commissioners who negotiated the treaty of Paris in 1783, which terminated the revolutionary war. The boundary there is described as "from the northwestern point of the Lake of the Woods, due west to the Mississippi river;" and the northwestern point of the Lake of the Woods is in about latitude 49 north.

Sir, I have adverted to the title in the United States, acquired by the cession of Louisiana, only because the British Plenipotentiary, and others, deny our right even to the 49th parallel. This is not the title to Oregon on which I rely. Great Britain now claims to the right bank of the Columbia river, and what I have said about the French claim, was only to show how England herself regarded it from 1713 to 1790.

Mr. Chairman, I apprehend that our best title to the whole of Oregon, is in what is called the Span-

ish title. It is in my opinion the title, and the only valid title. By every rule of national law it is good against the world. I propose to examine it; and this I will do as briefly as I can.

By the treaty between Spain and the United States in 1819, known as the treaty for the cession of Florida, we became rightfully entitled to the territory claimed by the former power in North America, north of the 42d degree north latitude. The territory of Oregon extends on the Pacific coast from 42° to 54° 40' north, and is bounded on the east by the Rocky mountains. By the treaty of Florida we were placed in the shoes of Spain, and possessed of all her rights to the country in dispute. What were the rights and title of Spain? We shall see. By the law of nations, there are three methods in which a nation may acquire the sovereignty of a country. First, by discovery; second, by cession from the rightful owner; third, by conquest. Under the first of these, the sovereignty of the whole of North and South America, as well as the West India islands, was originally acquired. Vattel and other writers doubted the justice of civilized nations acquiring title merely by invading the territory of barbarous people; but it is now too late to discuss this question. Certain it is, that neither England nor any other of the great European Powers can object to sovereignty thus acquired, because to most of their colonial possessions they can produce no better or other title. Who, then, were the first discoverers of the Pacific coast along the territory of Oregon? England, in 1790, for the first time, made an attempt at claim. From that time, until very recently, her statesmen and political writers founded their claim on the ancient discovery pretended to be made by Sir Francis Drake.

This daring navigator lived in the reign of Queen Elizabeth; and in the year 1576 or 1577 sailed, not on a voyage of discovery, but to annoy and capture the Spanish ships with their rich cargoes from the New World. His voyage was of a warlike character, and Sir Francis himself little better than a commissioned pirate. In 1577 he fell in with land on the Pacific, which he called "New Albion;" and this it is pretended was the coast of Oregon. Sir Francis Drake never saw the coast of Oregon. Heylyn, who published a geography in London in 1674, and which will be found in your library, gives the particulars of this pretended discovery; from which it appears that "New Albion" lies altogether within the bounds of California. Maps were published not long after this discovery, which describe all the country north of 42 degrees as "*Terra Borcalis incognita*." Hakluyt, who lived in the times of Sir Francis Drake, in his History of Voyages and Discoveries, states that Sir Francis Drake found the cold so great when he reached about 42° north, that he returned south and entered the bay in latitude 38°, which to this day bears his name—"Port St. Francisco Draco"—Port St. Francisco, as it is now called.

This barren and proofless claim is the whole of England's title by *ancient discovery*. Now let us look at the title of Spain, under which we claim, and a mere reference to well-authenticated voyages and discoveries is all that is intended. Bartolome Ferrelo, though not the first navigator of the Pacific, sailed in 1543 as far north as latitude 53°, and landed at what was subsequently called Cape

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Blanco. In 1592, Juan de Fuca, a native of Cephalonia, in Greece, in the service of Spain, discovered a strait in latitude 49° to 51° north. De Fuca staid there twenty days—landed, and traded with the natives. An account of his voyage and discovery was taken from his own lips and written down by Michael Lock, an Englishman, then in Venice, a short time after De Fuca's discoveries in 1596. This important discovery, made under the Spanish flag, is not only made history by an Englishman; but more than two hundred years afterwards, an officer of the English navy, Vancouver, then on a voyage of discovery, was so well satisfied with the truth of De Fuca's discovery, and Michael Lock's account of the same, that when, in 1792, he fell in with these straits, he named them the "*Straits of Fuca*," in honor of the first discoverer. Now here is the Spanish title by ancient discovery to 50° north, which cannot be disputed, and which Capt. Vancouver has acknowledged by perpetuating the name of De Fuca. Other points along the Oregon coast were early discovered by the Spaniards. In 1603, Aguilar, a Spanish captain, discovered the mouth of the river Umpqua, in latitude 44.

After the treaty of Versailles in 1763, the great European Powers had a period of peace; and England, France, and particularly Spain, directed their attention to prosecuting new voyages of discoveries, and ascertaining the nature and condition of such as were already made, but which, owing to the wars they had been engaged in, had not been followed up. Spain, ever intent on the grandeur and wealth of her possessions in the New World, led the way. In pursuance of instructions from Madrid, an expedition was fitted out for exploration and discovery in 1774. The vessel called the "*Santiago*" was commanded by Juan Perez as captain, with Estevan Jose Martinez as pilot. Perez sailed north to the 59th parallel, where he saw the northeastern point of Queen Charlotte's Island. After a cursory examination of this coast, he proceeded south, and in latitude 49½ degrees, he discovered and entered a bay, to which he gave the name of "Port San Lorenzo." He landed and traded with the natives—giving them implements of iron, and other articles, in exchange for furs. This is the same bay to which Captain Cook, *four years* afterwards, pretended to have discovered, and to which he gave the name of King George's Sound, and which is now known as "Nootka Sound." The English press, and the British Plenipotentiary here, rely on this modern discovery of Captain Cook. Now, let us, for a moment, look at the claim of Captain Cook to the discovery of Nootka Sound. Cook sailed from England in 1776 to discover a northwest passage between the Atlantic and Pacific oceans. He admits that accounts of the discoveries on the Pacific by the Spaniards were in England before he sailed. Captain Cook sailed from Plymouth, in his old ship the "*Resolution*," 12th July, 1776. His instructions from the Admiralty were, to proceed by the way of the Cape of Good Hope and Otaheite "to the coast of New Albion, endeavoring to fall in with it in the latitude of 45 degrees." He was "there to put 'into the first convenient port to recruit his wood and water, and procure refreshments, and then to sail 'northward along the coast to the latitude of 65 degrees, or farther, if not obstructed by lands or

'ice, taking care not to lose any time in exploring 'rivers or inlets, or upon any other account," until he had reached that degree. He was further instructed and "strictly enjoined not to touch upon any 'part of the Spanish dominions on the western 'continent of America, unless driven thither by 'some unavoidable accident; in which case, he was 'to stay no longer than should be absolutely necessary."

Now, sir, it will be recollected, that an account of the Spanish discoveries on the northwest coast was current in England before Cook sailed; and it will be observed, that the British Government then recognised the right of Spain as far north as the 65th degree of latitude; for Captain Cook is instructed not to stop short of that degree, except to "wood and water." South of it he was not permitted to explore or take possession of the country. In latitude 49½ degrees he found a spacious and secure bay, offering every facility for the repair of his vessel and the refreshment of his men; and on the 29th of March, 1778, he there cast anchor, and bestowed upon the place the name of "King George's Sound." This name he shortly afterwards changed to that of *Nootka Sound*, under the impression that Nootka was the term employed to distinguish the bay by the natives of the surrounding territory. He remained at Nootka Sound four weeks, and traded with the natives. It cannot be pretended that this King George's or Nootka Sound is not the "Port San Lorenzo," entered, discovered, and so named by Juan Perez, in the service of Spain, in 1774. That Cook's ship was not the first there seen by the natives, is abundantly evident from Cook's own account. He tells us that the natives manifested no surprise at the sight of his ships, and were not startled by the reports of his guns; they had tools and weapons of iron, and ornaments of brass, and one of their chiefs had hanging around his neck *two silver table-spoons of Spanish manufacture*.

Can it be doubted that these implements and utensils of iron, and brass, and silver, are what the natives obtained from Juan Perez when he landed there in 1774? Besides these clear proofs of the discoveries of Spain, England herself, for many years afterwards, never controverted the Spanish title.

I now wish to direct the attention of the committee to the much-talked-of Nootka Sound convention. We all know the occasion of that celebrated treaty: a certain Captain John Meares, a half-pay officer of the British navy, was employed, in 1788, by a Portuguese, named Cavallo, in Macao, to command an expedition under the Portuguese flag to carry on the fur trade with the natives of the northwest coast of America. He sailed for Nootka Sound, and in 1789 built a small vessel and some huts there. As soon as informed of these circumstances, the Spanish authorities sent a command which took down the British flag, demolished their huts, and made prizes of their vessels. Meares complained to Parliament, and King George the III. made the subject a matter of complaint in his speech to Parliament. In 1790, negotiations were entered into at Madrid between Mr. Fitzherbert, the English agent, and the Spanish Government, concerning the wrongs which England complained to have received, in her subject, Captain Meares,

at Nootka. Spain resisted, but she was in no condition to resist long. She had already taken the downward plunge into the anarchy and weakness which marks her at this day.

England was powerful. Parliament had voted one million pounds sterling to war with Spain, unless she yielded to British rapacity. The treaty signed at the Escurial in 1790, called the "Nootka Sound convention," was dictated to Spain, and forced from her. Simultaneous with the signing of the treaty, Spain published a manifesto directed to all the European courts, remonstrating against the manner it was extorted from her, and asserting her claims at Nootka. But Great Britain did not then pretend that the Nootka Sound convention acknowledged or surrendered to her any title or sovereignty. Great Britain only claimed a *right to trade* at Nootka, not of sovereignty. She demanded satisfaction for the insult offered through her subjects, not apology for invasion of her territory. Neither the King, (George III.) Mr. Pitt, Mr. Fox, nor any one else in Parliament, spoke of *title*; it was only a *right to trade*. The account of this matter, as given in Bissett's History of England, is full as to the fact that the Government of England denied having any claim to the sovereignty of the country on the coast of Oregon. The historian says that the English claim there was only "a right to trade [not of soil] in places in which no country could claim an exclusive right of *commerce and navigation*," not of sovereignty.

This, sir, is the purport of the famous Nootka Sound convention; and although extorted from Spain by England, it will be seen that the latter Power gained nothing but an apology for the insult offered to Captain Meares, redress for the loss sustained, and a bare right to trade. But had more been obtained, the treaty and its provisions were ended in 1796, at which time a war was declared between England and Spain. War terminates and cancels all subsisting treaties between the parties. On the subject of the Spanish claim to the territory in dispute, I desire to direct the attention of the committee to a map describing the British, Spanish, and French possessions on the continent of America, according to the treaty established at Paris, 11th of February, 1763, by "Eman Brown, Geographer to his Majesty, and John Gibson, Engraver." On this map the dominions of England extend from the Atlantic to the Mississippi; the French dominions extend from the Mississippi to the western boundary of Louisiana; and all the country between the last-mentioned boundary and the Pacific ocean is put down as belonging to Spain.

Mr. Chairman, if discovery gives title, I think that I have shown that the Spanish title to Nootka, the very point in dispute, is clear and unquestionable. But I am told that discovery without settlement or occupancy gives no title. However this may be, it may not be profitless to see how England regards and has acted on this principle. The case of the Falkland islands exhibits the views and conduct of Great Britain as to title by discovery without settlement. These islands were first seen by Captain Davis, who sailed with Sir Richard Hawkins in 1592. He was driven by a storm into the Straits of Magellan, when he accidentally saw them. He gave them no name. In 1594, Sir Richard Hawkins saw one of these islands, and

took it for the main land. (See Helyn's Geography, London, 1674.) Two years afterwards, a Dutch navigator, Sebald de West, came to them, and called them "Sebald's Islands." England heard no more of them for a century, and their existence was even called in question. In the reign of William, an Englishman named Strong found them out again, and called them "Falkland Islands." In the reign of George III., Captain Byron, the ancestor of "Childe Harold," took possession of one of them. This is the first possession by England; it was only of one island, and not followed up by settlement. In 1766 the King of Spain sent troops and *settled* one of the islands, and called it "Solidade;" and yet Great Britain, in 1769, claimed all the islands on the ground of *prior discovery*, and Spain was obliged to submit.

One other case, and I have done with this branch of my remarks. I refer to the pretext assumed by England for driving out the Dutch from New York. In 1492 Columbus discovered the West India islands. In 1497, Giovanni (John) Cabot, a Venetian, in the employ of Henry VII., discovered the island of New Foundland and the Atlantic coast as far as Virginia. Henry VII. made no settlement nor motion towards one. In like inactivity towards the discovery of Cabot passed the reign of Henry VIII. So, too, passed the short reign of Edward VI. and Mary. In 1583, eighty-six years after the discovery of Giovanni Cabot, the first British charter of colonization was signed by Queen Elizabeth to Sir Humphry Gilbert. Nothing was done under this grant. Then came the patent to Sir Walter Raleigh to settle the southern part of North America, and he landed the first colony in 1607. This settlement was soon abandoned, nor did the second attempt of Sir Walter Raleigh meet with any better success. Hackluyt, who chronicles these accounts, lived and wrote in the age of Elizabeth and James I., and was the chief man in the next expedition. It was got up by Hackluyt, and was under the direction of Richard Gosnold, in pursuance of instructions from King James I., to colonize Massachusetts bay. Gosnold reached the bay, traded with the natives, but made no settlements. James I. then divided the discovered land into two portions—Virginia and New England. In the meanwhile, Hudson, the Dutch navigator, had sailed up the river which still bears his name. The Dutch landed where now stands the city of New York, settled, and immediately improved. In 1662 Charles II. granted the province of New York to his brother, the Duke of York, under whose directions the Dutch were driven away or forced to yield. The English claimed it by the prior discovery made by Giovanni Cabot more than one hundred years before. The Dutch had settled, the English had not; and yet the prior discovery title of England without settlement was asserted and maintained. Sir, with such examples on record and before the world, does it become England to object to title by discovery, even though no occupancy may have followed?

Mr. Chairman, the United States have claimed Oregon by virtue of the discoveries of her own citizens; and as I regard our claim good at all events as against England, I propose to say about it a word or two. The silly argument, that because the United States claim under the Spanish title, her own cannot be good, and that the claim under her

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Helyn's Geographers afterwards, at last, came to them, and, "England, century, and their ion. In the reign of Strong found in "Falkland Islands," Captain Byarold," took possession of the first possession land, and not following the King of Spain's claim, and called it Britain, in 1769, found of prior discovery, and submit.

With this branch of text assumed by from New York. Cabot, a Venetian, discovered the Atlantic coast made no settlement. In like inactivity passed the reign of the short reign of eighty-six years Cabot, the first signed by Queen Elizabeth. Nothing was the patent to the southern part of the first colony in an abandoned, nor Raleigh meet with, who chronicled in the age of the chief man in up by Hackluyt, Richard Gosnold, King James I., Gosnold reached but made no settlement, the discovered and New England the Dutch navigation still bears his name now stands the immediately imputed the province of Duke of York, who were driven English claimed it Giovanni Cabot the Dutch. The Dutch and yet the prior settlement was such examples it become English, even though

has claimed of her own citizenship at all events say about it a that, because Spanish title, her claim under her

own nullifies the title of Spain, scarcely needs notice. It would be strange indeed if a good title was weakened by the acquisition of an outstanding claim; but let this pass.

The claim of the United States, apart from that as assignee of Spain, rests upon the discovery of the Columbia river by Captain Robert Gray, of Boston, the exploration of the head waters of the Columbia by Lewis and Clarke, and the improvement and settlements of Mr. Astor and other American citizens. I call the attention of the committee again to the principle of international law which declares "that the nation which discovers the mouth of a river is entitled to the sovereignty to all the lands watered by such river, its tributaries and head waters." Great Britain acknowledged this principle as well by the treaty of Utrecht, 1713, as by the treaty of Versailles, 1763. M. de La Salle, in 1683, discovered the mouth of the Mississippi; by reason whereof, France claimed the whole of Louisiana, and this claim was admitted by England. Who discovered the mouth of the Columbia, or Oregon river, and who explored its head waters? We shall see. In the month of May, 1791, Captain Robert Gray, of the American ship "Columbia," of Boston, whilst cruising in the north Pacific, discovered an opening in the coast, in latitude 46° 16', which he pronounced to be the mouth of a river. On the 29th April, 1792, Captain Gray fell in with the English ship "Discovery," Captain Vancouver. Gray informed Vancouver of his having been off the mouth of a great river; Vancouver in his narrative mentions these facts, and afterwards made search for the river, but could not find it. He believed that Captain Gray had been mistaken, for he thought that such a river was not there. On the 11th May, 1792, Captain Gray was again off the opening where he informed Vancouver the river was to be found. Yankee-like, he determined to satisfy himself, and he directed his course to the opening. This was no hazardous matter—the breakers tossed the sea, and the surf was furious. He sailed on, crossed the dreaded bar at the mouth, and found himself on the bosom of a magnificent river, which he named after his own ship, "Columbia." He ascended the river twenty-five miles, anchored, landed, and traded with the natives. He descended the river, named the capes on its northern and southern sides "Adams" and "Hancock," and again spread his sails to the breezes of the Pacific.

This was the first vessel that ever crossed the bar at the mouth of the Columbia or floated on the waters of that noble river. No sophistry or misrepresentation can ever take from Captain Gray the honor of the discovery, or from his country the value of the acquisition. This river has its sources on the western slopes of the Rocky mountains, and forms a stream where it enters the Pacific seven miles in width. It meanders a great distance through a country, a greater part of which is well adapted to the wants of man. From the mouth of the Columbia, a few days' sail takes you to the Sandwich islands, and less than thirty days, to China. Here let me remind the committee of the expedition sent by the United States under the Administration of Mr. Jefferson. In 1804, Lewis and Clarke, in the service of the United States, ascended the Missouri, and are believed to be the first civilized men who crossed the Rocky mountains.

They discovered and explored the head waters of the Columbia river, and followed it down to its mouth. A year or two after this, the American Fur Company established trading posts on the head waters of the Columbia; and in 1811 John Jacob Astor built the town of Astoria at its mouth. War was declared between the United States and Great Britain, and in the month of December, 1813, Astoria was captured by the British sloop of war "Raccoon," Captain Blake. By the peace treaty, known as the treaty of Ghent, it was agreed "that all territory, &c., taken from either party by the other during the war should be restored." Not assigned to, aliened, or surrendered, but restored. Sir, you can only restore that which formerly belonged to you.

Mr. Chairman, these are some of the reasons which have induced me to believe that the whole of Oregon is ours; and believing so, I am prepared to go the full length to assert and maintain our claim. It is, sir, in my judgment, full time that the joint occupancy under the conventions of 1818 and 1827 should be terminated. Great Britain has had the exclusive benefit of the arrangement. Without title to one rood of the territory, she has dotted it everywhere with her forts, and the British flag at this day flaunts as saucily over the stockades of the Hudson's Bay Company as on the ramparts of Gibraltar. No American can settle there with a view to business. No sooner does he fix himself than the agents of the Hudson's Bay Company surround him, undersell, and drive him from the trade. Mr. Farnham, an intelligent gentleman who travelled through Oregon, states that Mr. Wyeth, an enterprising Yankee, established, at great labor and expense, a post for trading with the Indians, (Fort Hall,) and immediately the Hudson's Bay Company forced him to sell to them. They undersold him, and paid higher prices for peltries, until the adventurous man found himself without business. The Hudson's Bay Company have now twenty-two forts in Oregon. Nor, sir, will it do to say that Great Britain has not thus exercised acts of ownership and sovereignty over the territory of Oregon. The Hudson's Bay Company is, *quoad hoc*, the British Government. Well does she understand the use and management of these politico-commercial companies, and profitably has she used them. Look to the history of the East India Company, and see the mammoth empire she has acquired by means of that trading corporation. Little more than one hundred years since Great Britain had in the East Indies the small commercial factories at Surat, Madras, and Calcutta, which, together with the island of Bombay, obtained from Portugal as the dowry of the wife of Charles the Second, were all her possessions there. Now, after having waded in blood throat-deep to empire, she sways her sceptre over one hundred millions of people. The glory of the conquest is England's—the crime and horror of the murders belong to the East India Company, says the historian of that proud island! So, too, would act the Hudson's Bay Company, if they dared; but the American people are made of sterner stuff. Satisfy our people that our claim to Oregon is good, and we will have it at all and every hazard. The pallid and trembling cry of war will not frighten them from their propriety. No gaunt spectres of commercial distress, sacked cities and ruined com-



merce, will alarm the people, when the national rights and honor are at stake.

Sir, I trust you will at once give the notice to terminate this ruinous joint occupancy. Let it be prompt and decisive. England will hesitate long before she wars with us; she has little to gain but hard blows. During the late war, she gained little of advantage or glory. We were then seven millions of people; we are now twenty millions. At home, she has something to look after. The unredressed wrongs of the Irish people startle her conscience, and her starving millions are illy contented with their miserable bondage. Sir, I believe the resolution before the committee, if adopted by a true American vote, will be the greatest of peace measures. It will assure the world of the intention to vindicate our rights; it will assure England that the nation is determined to have their own, despite her monetary, her naval, or military power. Gentlemen regard the passage of this resolution as equivalent to a declaration of war. I do not so regard it. But should such be the result of our action, why, let it come. For one, I adopt the language and sentiment of old John Adams, when speaking of the Declaration of Independence, "Sink or swim, live or die, survive or perish," I go for the resolution.

I will not detain the committee by speaking of

the value of Oregon; all who have been there speak of it as the fit abode of a vast nation of freemen. We want it now, to reclaim it from its wild state, and make it blossom as the rose—to rear up a mighty republic, based upon the rights of man. England wants it, and keeps it as a breeding den for wild beasts, in whose pursuit ever is the rapacious Hudson Bay Company. God gave it for the uses of man—England uses it for the breeding of beasts. Let there be an end to this. When our title shall be made perfect, and our possession asserted and maintained, the moral, the political, and the commercial affairs of Asia will be revolutionized. I believe that the man is now living who will see your Atlantic cities connected by railroad with the Pacific ocean. That accomplished, and the trade of China, and India, and islands of the Pacific, rush by this course to Europe. Six or eight days, by railroad, will whirl you from some magnificent city, to be founded and built on the shores of the Pacific, to Philadelphia or New York. We shall be neighbors of the Chinese; and as it was from the east the nations of the world received their early knowledge of the arts and sciences, so from the west it shall be given back to them. Ay, sir; not only their arts and sciences highly improved, but we will take to them the blessings and the republicanism of Christianity.

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